

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WILLIAM C GRIDER, et al.,
Plaintiff(s),
vs.
CITY OF LAKEWOOD, et al.,
Defendant(s).

Case No. 3:07-cv-05527-BHS
MINUTE ORDER REGARDING
INITIAL DISCLOSURES, JOINT
STATUS REPORT, AND EARLY
SETTLEMENT

NOW, on October 24, 2007, the Court directs the Clerk to enter
the following Minute Order:

I. INITIAL SCHEDULING DATES

Pursuant to the Federal Rules of Civil Procedure, the Court sets the following
dates for submission of the Joint Status Report and Discovery Plan:

Deadline for FRCP 26(f) Conference:	01/31/2008
Initial Disclosures Pursuant to FRCP 26(a)(1):	02/14/2008
Combined Joint Status Report and Discovery Plan as Required by FRCP 26(f) and Local Rule CR 16:	02/21/2008

II. JOINT STATUS REPORT & DISCOVERY PLAN

All counsel and any pro se parties are directed to confer and provide the
Court with a combined Joint Status Report and Discovery Plan (the "Report").
This conference shall be done by direct and personal communication, whether that
be a face-to-face meeting or a telephonic conference. The Report will be used in

1 setting a schedule for the prompt completion of the case. It must contain the
 2 following information by corresponding paragraph numbers:

- 3 1. A statement of the nature and complexity of the case.
- 4 2. The results of the FRCP 26(f) conference.
- 5 3. A proposed deadline for joining additional parties.
- 6 4. A statement of which ADR method (mediation, arbitration, or other)
 7 should be used. The alternatives are described in Local Rule CR 39.1 and in the
 8 ADR Reference Guide, which is available from the clerk's office. If the parties
 9 believe that there should be no ADR, the reasons for that belief should be stated.
- 10 5. Unless all parties agree that there should be no ADR, a statement
 11 of when mediation or another ADR proceeding under Local Rule CR 39.1 should
 12 take place. In most cases, the ADR proceeding should be held within four months
 13 after the Report is filed. It may be resumed, if necessary, after the first session.
- 14 6. A proposed discovery plan that indicates:
 - 15 (a) The date on which the FRCP 26(f) conference and FRCP 26(a)
 16 initial disclosures took place;
 - 17 (b) The subjects on which discovery may be needed and whether
 18 discovery should be conducted in phases or be limited to or focused upon
 19 particular issues;
 - 20 (c) What changes should be made in the limitations on discovery
 21 imposed under the Federal and Local Civil Rules, and what other limitations
 22 should be imposed;
 - 23 (d) A statement of how discovery will be managed so as to minimize
 24 expense (e.g., by forgoing or limiting depositions, exchanging documents
 25 informally, etc.); and
 - 26 (e) Any other orders that should be entered by the Court under FRCP
 26(c) or under Local Rule CR 16(b) and (c).
7. The date by which the remainder of discovery can be completed.
8. Do the parties consent to assignment of this case to a full-time United States Magistrate Judge pursuant to 28 U.S.C. § 636(c) and Local MJR 13 to conduct all proceedings? Agreement in the Joint Status Report will constitute the parties' consent to referral to U.S. Magistrate Judge J. Kelley Arnold.

***If counsel OR pro se parties do consent, each attorney/party MUST sign the document.*

1 9. Whether the case should be bifurcated by trying the liability issues before
2 the damages issues, or bifurcated in any other way.

3 10. Whether the pretrial statements and pretrial order called for by Local
4 Rules CR 16(e), (h), (i) and (1), and 16.1 should be dispensed with in whole or in
5 part for the sake of economy. (*The court will make the final determination.*)

6 11. Any other suggestions for shortening or simplifying the case.

7 12. The date the case will be ready for trial, keeping in mind that this case
8 should be resolved within twelve (12) months of filing of the complaint unless
9 the case is unusually complex.

10 13. Whether the trial will be jury or non-jury.

11 14. The total number of trial days required.

12 15. The dates on which trial counsel may have complications to be
13 considered in setting a trial date.

14 16. Whether this case should be considered for designation for trial at the
15 Federal Building in Vancouver, WA. Counsel should note that the courtroom
16 at the Federal Building in Vancouver cannot accommodate a jury trial.

17 17. If on the due date of the Report, all Defendant(s) or Respondent(s) have
18 not been served, counsel for Plaintiff shall advise the Court when service will
19 be effected, why it was not made earlier, and shall provide a proposed schedule
20 for the required FRCP 26(f) conference and FRCP 26(a) initial disclosures.

21 If the parties are unable to agree on any part of the Report, they may answer
22 in separate paragraphs. SEPARATE REPORTS SHOULD NOT BE FILED.

23 The time for filing the Report may be extended only by court order. Any
24 request for extension should be made by telephone to Trish Graham at
25 (253) 882-3850.

26 If the parties wish to have a status conference with the Court at any time
during the pendency of this action, they should notify the Courtroom Deputy,
Rhonda Miller, by telephone at (253) 882-3825.

23 **III. PLAINTIFF'S RESPONSIBILITY**

24 This order is issued at the outset of the case, and a copy is delivered by the
25 Clerk to counsel for Plaintiff (or Plaintiff, if pro se) and any Defendants who have
26 appeared. Plaintiff's counsel (or Plaintiff, if pro se) is directed to serve copies
of this order on all parties who appear after this order is filed within ten (10) days

1 of receipt of service of each appearance. Plaintiff's counsel (or Plaintiff, if pro se)
 2 will be responsible for starting the communications needed to comply with this
 3 order.

4 **IV. MANDATORY ELECTRONIC FILING**

5 Counsel shall electronically file all documents with the Court. Pro se
 6 litigants may file either electronically or in paper form. Information and
 7 procedures for electronic filing can be found on the Western District of
 8 Washington's website at www.wawd.uscourts.gov. Assistance is available from
 9 the ECF help desk at (800) 323-9293 or (206) 370-8440. Counsel is STRONGLY
 10 ENCOURAGED to electronically file all documents with the Court for the
 11 following reasons: Electronically filed pleadings are instantly filed, and the
 12 Court has instant access to review and consider pleadings. Pleadings filed in
 13 paper form have to be labeled, scanned, and then docketed in the Clerk's Office.
 14 That can, and likely will, result in a delay of several days before the document
 15 is posted on the docket sheet, which will result in a delay before the Court will
 16 be able to review and consider the pleading.

17 **V. EARLY SETTLEMENT CONSIDERATION**

18 Early settlement of cases, before they become costly and time-consuming,
 19 is beneficial to all parties and to the Court. The Federal Bar Association
 20 Alternative Dispute Resolution Task Force Report for this district stated
 21 the following:

22 [T]he major ADR related problem is not the percentage of civil cases that
 23 ultimately settle, since statistics demonstrate that approximately 95% of all
 24 cases are resolved without trial. However, the timing of settlement is a major
 25 concern. Frequently, under our existing ADR system, case resolution occurs
 26 far too late, after the parties have completed discovery and incurred
 substantial expenditure of fees and costs.

The judges of this district have adopted a resolution "approving the Task
 Force's recommendation that court-connected ADR services be provided as early,
 effectively, and economically as possible in every suitable case." The steps
 required by this order are meant to help achieve that goal while preserving the
 rights of all parties.

If settlement is achieved, counsel shall notify Rhonda Miller by telephone
 at (253) 882-3825.

VI. SANCTIONS

A failure by any party to comply fully with this order may result in the imposition of sanctions.

The foregoing Minute Order was authorized by THE HONORABLE BENJAMIN H. SETTLE, UNITED STATES DISTRICT JUDGE.

/s/ Trish Graham
Trish Graham
Judicial Assistant